

FINAL BILL REPORT

E2SHB 1961

C 235 L 09
Synopsis as Enacted

Brief Description: Implementing the federal fostering connections to success and increasing adoptions act of 2008.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Roberts, Haler, Pettigrew, Kagi, Carlyle, Pedersen and Wood).

House Committee on Early Learning & Children's Services
House Committee on Ways & Means
Senate Committee on Human Services & Corrections
Senate Committee on Ways & Means

Background:

Foster Care to 21.

For at least the past two decades, the Department of Social and Health Services (DSHS), has been authorized to provide continued foster care or group care for youth between the ages of 18 and 21 in order to support the youths' completion of high school or vocational school programs. More recently, in 2005, the Legislature authorized the DSHS to provide continuing foster care or group care for youth between the ages of 18 and 21 who are enrolled in post-secondary education or training programs. The practice of providing continuing foster care past age 18 for post-secondary and related purposes is commonly referred to as *Foster Care to 21*.

The enacting legislation for Washington's Foster Care to 21 program provides that, beginning in 2006, the DSHS is authorized to allow 50 youth to remain in foster care after reaching age 18. In addition to the first 50, an additional 50 youth could also enter the program in 2007 and 2008. The lack of clarity in this statute has resulted in confusion recently about whether this authority to provide Foster Care to 21 expired at the end of 2008. The DSHS is not processing new enrollments at this time, but approximately 79 youth are still participating in the program from previous years' enrollments.

Guardianships.

Children who are dependent and have been in out-of-home care for at least six months with little likelihood of a successful reunification may be cared for under dependency guardianships which are intended to be long-term and stable placement options for children

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in foster care when the court finds that a guardianship rather than termination of parental rights is in the child's best interests. Dependency guardians may be, but are not required to be, relatives. Guardians for a dependent child also may be licensed foster parents, and those who remain licensed may receive foster care payments. Dependency guardians who are not licensed do not receive foster care payments. The dependency guardianship order establishes the rights and responsibilities of the guardian, but does not result in dismissal of the dependency. Depending on the circumstances of the child's case, there typically is less agency and court involvement in a dependency guardianship as compared to a foster care placement.

The Fostering Connections to Success and Increasing Adoptions Act of 2008.

In October 2008 the U.S. Congress approved and the President signed the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Act). The legislation includes a variety of provisions, both mandatory and permissive, intended to reform aspects of child welfare programs. Some of the changes took effect immediately and others will be phased in over a period of years. The mandatory provisions in the Act include the following:

- developing health care oversight and coordination plans for children in foster care;
- requiring due diligence in identifying and notifying adult relatives of children placed in foster care;
- ensuring school-age children in foster care are enrolled in school and requiring school stability issues to be addressed in children's case plans;
- negotiating in good faith with Indian tribes seeking to develop their own foster care program using federal moneys;
- notifying prospective adoptive parents of federal adoption tax credits; and
- requiring children's case plans to include a transition plan for youth aging out of foster care.

The DSHS has determined it can, for the time being, implement the mandatory provisions without a change in state law.

One of the key changes permitted by the Act includes allowing states to use foster care funds to provide Foster Care to 21 placement services to youth engaged in a broader array of qualifying activities. The federal funding attached to this provision becomes available October 1, 2010.

An additional element of the Act allows for the use of federal funds to provide subsidy payments to relatives serving as guardians for dependent children. To be eligible, the relative must be licensed by the DSHS as a foster parent and have the child placed in the relative's home for a period of six consecutive months prior to establishment of the guardianship. Following entry of the guardianship order, the relative may continue to receive the subsidy without having to continue being a licensed foster parent. Funding attached to this provision of the Act became available upon enactment.

Summary:

Foster Care to 21 and Other Transitional Supports.

The Foster Care to 21 statute is clarified to allow for continued enrollment in the program, subject to the availability of appropriated funding. Eligibility to remain in foster care or

group care continues up to the youth's 21st birthday if the youth adheres to program rules and remains enrolled in a post-secondary program.

Beginning October 1, 2010, the type of activities in which a youth must be engaged to qualify for Foster Care to 21 is expanded to reflect the activities eligible for use of federal funds. The DSHS is authorized to provide continued foster care or group care up to age 21, within amounts appropriated for this specific purpose, for youth who are:

- enrolled and participating in a post-secondary program;
- participating in a program to promote, or reduce barriers, to employment;
- working 80 or more hours per month; or
- incapable of participating in school, work, or other activities due to a medical condition supported with regularly updated information.

In lieu of Foster Care to 21 placement services and within amounts appropriated for this specific purpose, the DSHS may provide adoption support or relative guardianship benefits on behalf of youth who achieved permanency through adoption or a guardianship after age 16 and who are engaged in one of the activities listed above. Eligibility for continued support or subsidy payments continues until the youth reaches age 21.

Subsidized Relative Guardianships.

A statement is added to the guardianship chapter declaring legislative intent to make subsidized relative guardianships available in Washington consistent with federal law and regulations. The term "foster care payment" in the dependency guardianship chapter is replaced with "guardianship subsidy." A dependency guardian, including a relative guardian, who is a licensed foster parent and with whom the child has been placed for at least six consecutive months prior to the guardianship being established is eligible for a guardianship subsidy. After entry of the guardianship order, the guardian may, but is not required, to remain licensed as a foster parent. A relative guardianship is declared to be a permissible permanency plan for dependent children. The DSHS is directed to conduct routine and cost-efficient outreach regarding the relative guardianship program. The relative guardianship agreements must be designed to promote long-term permanency for children and support stability of the guardianship.

Votes on Final Passage:

House	75	22
Senate	44	2

Effective: July 26, 2009
October 1, 2010 (Section 2)